

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
QUARTERLY ENFORCEMENT REPORT  
July 1, 2006 through September 30, 2006**

**INTRODUCTION**

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations.

FSIS inspects products produced in more than 6,000 meat, poultry, and egg product plants. Since January 1998, meat and poultry plants have been operating HACCP Systems. Publication of this information is another step in the Agency's commitment to openness and transparency in its work to protect the public from adulterated or misbranded meat, poultry, and egg products.

The report is presented in sections that correspond with the category of action. Activities reported within the categories are either pending or experienced new activity during the reporting period. FSIS also coordinated administrative actions, where regulatory or other authorities were applied in inspected plants and managed USDA participation in criminal cases pending in Federal courts. These actions, along with the thousands of inspections made each day in plants throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

FSIS ENFORCEMENT PROCESSES  
NONCOMPLIANCE RECORDS AND APPEALS  
PRODUCT CONTROL ACTIONS  
NOTICES OF WARNING  
ADMINISTRATIVE ACTIONS  
CRIMINAL ACTIONS  
CIVIL ACTIONS

## **FSIS ENFORCEMENT PROCESSES**

USDA's Food Safety and Inspection Service (FSIS) is charged with ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS, in cooperation with State counterparts, inspects, monitors, and verifies the proper processing, handling, and labeling of meat and poultry products from the delivery of animals to the slaughterhouse until the products reach consumers. FSIS, in cooperation with FDA and the states, provides similar coverage for egg products – the processed whole egg ingredients used in manufacturing other foods. (More information concerning egg products inspection and enforcement is provided in the FSIS publication "[Focus on Shell Eggs](#)" that can be accessed at:

[http://www.fsis.usda.gov/Fact\\_Sheets/Focus\\_On\\_Shell\\_Eggs/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Focus_On_Shell_Eggs/index.asp). If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter food animals and process products to ensure that products at these establishments are produced in a sanitary environment and potential food safety hazards are identified and eliminated. These establishments must apply for a grant of inspection from FSIS and demonstrate the ability to meet certain requirements for producing safe, wholesome, and accurately labeled food products. Requirements include meeting sanitation, facility, and operational standards, and having preventive systems in place to ensure the production of safe and unadulterated food. Products from official establishments are labeled with the mark of inspection, indicating that they have been inspected and passed by USDA and can be sold in interstate commerce.

FSIS uses investigators throughout the chain of distribution to detect and detain potentially hazardous foods in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, mishandling can occur on their way to the consumer. For example, if foods are transported in trucks that are too warm, or if exposed to contamination, then that can result in product that can cause illness.

FSIS also works closely with USDA's Office of Inspector General (OIG), which assists FSIS in pursuing complex criminal cases. In addition, many state and local jurisdictions have enforcement authorities that apply to USDA-regulated products. FSIS cooperates with these other jurisdictions in investigations and case presentations. FSIS also participates with OIG and the U.S. Department of Justice in monitoring conditions of probation orders and pretrial diversion agreements developed to resolve cases.

This report provides a summary of enforcement actions, including actions that address the Pathogen Reduction/HACCP regulatory requirements FSIS has taken to ensure that products that reach consumers are safe, wholesome and properly labeled. The Agency recognizes that this report is a snapshot in time of a dynamic process. Some information will be out-of-date by the time this report is published. For example, many matters shown as under appeal will have been resolved by the time this report is published. Other actions could be appealed or closed after this reporting period. This information will be updated on a quarterly basis and made available to the public through future reports.

## NONCOMPLIANCE RECORDS AND APPEALS

FSIS inspection program personnel perform thousands of inspection procedures each day to determine whether or not inspected plants are in compliance with regulatory requirements. Each time inspection program personnel make a non-compliance determination they complete a report explaining the nature of the regulatory action. They notify plant managers of problems through a written Noncompliance Record (NR).

NRs document noncompliance with FSIS regulations and notify the plant that it must take action to remedy the situation and should take measures to prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Noncompliance reported on NRs vary from minor labeling discrepancies to serious breakdowns in food safety controls. When noncompliance occurs repeatedly, or when the plant fails to prevent adulterated product from being produced or shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

During this quarterly reporting period, FSIS performed 2,105,063 verification procedures.

**Table 1a** provides numbers of NRs issued by FSIS inspection personnel between July 1, 2006 and September 30, 2006. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

## **Table 1a. Noncompliance Record Totals**

### **NR Totals**

NRs Issued (7/01/06 to 9/30/06): **32,625**

## **Table 1b. Appeals NRs (7/01/06 to 9/30/06)**

**Number of Plants Filing Appeals: 243**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
188	229	20	70	507

## **PRODUCT CONTROL ACTIONS**

FSIS takes product control actions to gain physical control over products when there is reason to believe they are adulterated or misbranded. The actions ensure that those products do not enter commerce or, if they are already in commerce, that they do not reach consumers.

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 35,326,105 livestock carcasses, of which 58,504 carcasses were condemned. FSIS inspected 2,344,760,903 poultry carcasses of which 9,995,643 carcasses were condemned.

## Detentions

FSIS investigators, import officers and other designated FSIS personnel will detain any product that may be adulterated or misbranded when found in commerce. If product cannot be disposed of within 20 days, then FSIS may request any U.S. District or other court to seize the product as provided for in the Federal Meat Inspection Act and Poultry Products Inspection Act. Most detentions result in voluntary disposal of the product and do not require court actions. **Tables 2a., 2b., and 2c.** provide the number of detentions and the pounds of product involved in these actions for meat and poultry products for this quarterly reporting period. Table 2a. provides the information on detentions made by Compliance and Investigations Division (CID), Office of Program Evaluation, Enforcement and Review investigators. Table 2b. provides the detention information for the Office of International Affairs. Table 2c. provides the detention information for the Office of Field Operations.

**Table 2a. Detention Summary**  
(7/01/06 to 9/30/06)

**Detentions: CID Regions**

<b>Total number of detentions</b>	<b>112</b>	
<b>Total pounds of product detained</b>	<b>536,784</b>	
	<b>Detentions</b>	<b>Pounds Detained</b>
WESTERN	32	270,534
SOUTHWEST	25	51,134
MIDWEST	11	45,810
GREAT PLAINS	14	47,514
SOUTHEAST	21	76,806
NORTHEAST	<u>9</u>	<u>44,986</u>
<b>Totals</b>	<b>112</b>	<b>536,784</b>

**Table 2b. Detention Summary**  
(7/01/06 to 9/30/06)

**Detentions: OIA Regions**

<b>Total number of detentions</b>	<b>15</b>	
<b>Total pounds of product detained</b>	<b>9,507</b>	
	<b>Detentions</b>	<b>Pounds Detained</b>
WESTERN (Los Angeles)	10	9,458
SOUTHERN (Miami)	0	0
NORTHERN (Detroit)	4	31
NORTHEAST (Philadelphia)	<u>1</u>	<u>18</u>
<b>Totals</b>	<b>15</b>	<b>9,507</b>



**Table 2c. Detention Summary**  
**(7/01/06 to 9/30/06)**

**Detentions: OFO Districts**

<b>Total number of detentions</b>	<b>2</b>	
<b>Total pounds of product detained</b>	<b>28,877.6</b>	
	<b>Detentions</b>	<b>Pounds Detained</b>
MINNEAPOLIS	<u>2</u>	<u>28,877.6</u>
<b>Totals</b>	<b>2</b>	<b>28,877.6</b>

Note: During this time period, no detentions in other OFO districts were reported.

Recalls

A recall is a firm's voluntary removal of adulterated or misbranded products from trade or consumer channels. Class I recalls involve a health hazard for which there is a reasonable probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard where there is a remote probability of adverse health consequences from use of the product. Class III recalls involve a situation in which use of the product will not cause adverse health consequences. In cases where a firm decides not to accept the FSIS recommendation and chooses not to conduct a recall, FSIS will detain any product that would have been subject to a recall that it finds in commerce. FSIS, Congressional and Public Affairs (CPA) will issue a press release informing the public that product that appears to be adulterated or misbranded has been shipped by the responsible firm and that the firm has refused to recall it. For current information on recalls, go to the FSIS recalls web page at: [http://www.fsis.usda.gov/Fsis\\_Recalls/index.asp](http://www.fsis.usda.gov/Fsis_Recalls/index.asp).

### Port-of-Entry Reinspection

FSIS conducts port-of-entry reinspections of imported meat, poultry, and egg products. It is important to note that this activity is a reinspection of products that have already been inspected and passed by an equivalent foreign inspection system. Thus, imported product reinspection is a monitoring activity for verifying on an on-going basis the equivalence of a foreign country's inspection system.

Port-of-entry reinspection is directed by the Automated Import Information System (AIIS), a centralized computer database that generates reinspection assignments and stores results. After clearing U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service (APHIS), every imported meat, poultry, or egg product shipment must be presented to FSIS.<sup>1</sup> When a meat or poultry shipment is presented for reinspection, the AIIS scans its records to verify eligibility. Shipments are denied reinspection and refused entry if the foreign country is not eligible to export to the United States, if the establishment that produced the product has not been certified for export to this country, if the product presented for reinspection is not eligible, if the shipping marks are not unique, or if APHIS has animal health restrictions on the country.

All imported product shipments are reinspected for general condition, labeling, proper certification, and accurate count. In addition, other types of inspection (TOI) may be generated by the AIIS. These could include a physical examination of the product for visible defects, collection of samples for microbiological analysis, sampling for food chemistry analyses, and samples to be analyzed for drug and chemical residues. Shipments are randomly selected for

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<sup>1</sup> Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS.

reinspection using a statistical sampling plan that allocates samples by HACCP process categories. The level of sampling is based on the volume imported from the country within each category. Products that fail reinspection are rejected and must be re-exported, converted to non-human food, or destroyed. Product rejections cause the AIIS to automatically generate an increased rate of reinspection for future shipments of like product from the same establishment.

This HACCP-based sampling approach began in August 2002 as the new AIIS3 system was launched, and was fully implemented in the quarter beginning October 1, 2002. Implementation of AIIS3 provides an opportunity for FSIS to present meat and poultry reinspection data in a new reporting format that has been constructed to better represent reinspection results (**Table 3a**).

This new format is based on pounds of product rather than lots of product because the lotting of product for reinspection is a commercial decision made by the importer or broker, and the term “lot” has no regulatory definition. **Table 3b** presents egg product reinspection results in the same format they appear in past quarters, minus lots for the reason given above. The new reporting format will be applied to these products when they are incorporated into the AIIS3 system. It should be noted that data reports at the end of a fiscal quarter are the best available information for reinspection activities conducted during the preceding three months, but those data are preliminary until all ongoing inspection activities are completed. For example, pending reinspection activities include open TOI’s, in particular samples taken for laboratory analysis, but also could include organoleptic product examinations, and refused entries which may stay open for up to 45 days. A report of quarterly reinspection data will not be “final” until all open entries are closed. These normally small adjustments in past quarter data will be reflected in subsequent quarterly reports.

**Table 3a. Imported Meat and Poultry Products  
Pounds of Product by Fiscal Year Quarter**

**Presented, Reinspected, and Refused Entry**

FY 2006							
Quarter	Presented	Refused <sup>1</sup>	Reinspected	TOIs Perf <sup>2</sup>	Accepted	Rejected <sup>3</sup>	Combined Rejected and Refused
Q-1 (Oct – Dec)	986,026,398	168,693	137,644,367	19,275	982,783,926	3,073,779	3,242,472
Q-2 (Jan – Mar)	1,029,255,508	8,341	130,182,579	14,600	1,024,878,074	4,369,093	4,377,434
Q-3 (Apr – Jun)	962,306,702	0	99,241,448	11,427	959,664,485	2,642,217	2,642,217
Q-4 (Jul – Sep)	910,599,551	10,177	231,209,377	18,533	908,550,012	2,039,362	2,049,539
<b>Cumulative Totals</b>	3,888,188,159	187,211	598,277,771	63,835	3,875,876,497	12,124,451	12,311,662

**Table 3b. Imported Egg Products  
Pounds of Product by Fiscal Year Quarter**

**Presented, Reinspected, and Refused Entry**

FY 2006		
QUARTER	PRESENTED	REFUSED <sup>4</sup>
Q-1 (Oct – Dec)	1,758,953	4,944
Q-2 (Jan – Mar)	1,096,972	1,364
Q-3 (Apr – Jun)	1,429,965	44
Q-4 (Jul – Sep)	1,614,554	0
<b>Cumulative Totals</b>	5,900,444	6,352

<sup>1</sup> Products are refused reinspection if: (1) the foreign country is not eligible; (2) the foreign establishment is not listed; (3) Animal and Plant Health Inspection Service (APHIS) has placed animal disease restrictions on the country; (4) product presented for reinspection is not eligible; and (5) duplicate shipping marks.

<sup>2</sup> Types of Inspection. The number of reinspections performed during the quarter.

<sup>3</sup> Products are rejected if product presented for reinspection fails to meet U.S. import requirements.

<sup>4</sup> Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AIIIS3.

## NOTICES OF WARNING

FSIS issues Notices of Warning (NOW) for minor violations of law that are not referred to United States Attorneys for prosecution. FSIS may also issue these warnings when a United States Attorney declines to prosecute a case or bring action against a specific business or person. These letters warn that FSIS may seek criminal action based on continued violations. Notices of Warning may be issued to any individual or business, including Federal plants, wholesalers, distributors, restaurants, retail stores and other entities that process, store, or distribute meat and poultry products. **Table 4** shows Notices of Warning issued by the Office of Program Evaluation, Enforcement and Review (OPEER) headquarters office and by each of the CID Regions during the reporting period.

**Table 4. Notices of Warning for Criminal Actions  
(7/01/06 to 9/30/06)**

### **Notices of Warning for Criminal Violations**

<b>Total number of NOWs issued for violations:</b>		<b>254</b>
<b>Number issued by Headquarters:</b>		<b>18</b>
<b>CID Region</b>	<b>Number of NOWs Issued by Region</b>	
WESTERN		75
SOUTHWEST		17
GREAT PLAINS		15
MIDWEST		13
SOUTHEAST		43
NORTHEAST		73
<b>Total number issued</b>		<hr/> <b>236</b>

### **ADMINISTRATIVE ACTIONS**

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting regulatory requirements.

Effective January 25, 2000, FSIS amended its Rules of Practice that apply to Agency enforcement actions. The Rules of Practice, which are located in 9 CFR Part 500, define each type of enforcement action FSIS can take, the conditions under which it is likely to take these actions, and the procedures FSIS will follow in doing so.

### Withholding the Marks of Inspection

If a plant fails to prevent preparation and shipment of adulterated products or develops a pattern of noncompliance showing the plant's sanitation or process control systems have failed, FSIS may notify plant managers that the USDA mark of inspection is being withheld from some or all of the products in the plant. This action effectively shuts down affected operations, because it is illegal to sell products in commerce that do not bear the USDA mark of inspection. Other non-affected parts of the plant, if any, may still operate.

### Suspension of Inspection

FSIS may temporarily suspend the assignment of inspectors if a plant fails to prevent preparation and shipment of adulterated products, fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance, or for other reasons specified in the Rules of Practice. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may place the suspension in abeyance if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify a plant's corrective and preventive actions.

### Notification to Establishments of Intended Enforcement Actions

FSIS has an established procedure to notify establishments of intended enforcement actions related to certain types of noncompliance that have not resulted in actual shipment of adulterated products. Under this procedure, a notice is issued to an establishment when the Inspector-in-Charge determines that the establishment has experienced multiple, recurring noncompliances, or for other reasons, as specified in the Rules of Practice, the establishment has failed to implement

adequate corrective and preventive measures. The Notice informs the establishment of the nature and scope of the noncompliance and that FSIS intends to withhold the marks of inspection or suspend the assignment of inspectors. The Notice explains the basis of and references documentation for the intended enforcement action, and provides the establishment three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. In appropriate situations, USDA may defer a decision based on corrections submitted by the establishment.

#### Withdrawal of Inspection

In some situations, FSIS may decide that it is necessary to withdraw inspection from a plant. In these cases, FSIS withdraws inspection from a Federal plant by filing a complaint with the USDA Hearing Clerk. The plant may request a hearing before an Administrative Law Judge. If the action is based on insanitation, the plant will remain closed while proceedings go forward. In other cases that do not involve a threat to public health, operations may continue. These actions may be resolved by FSIS and the plant entering into a consent decision, which allows the plant to operate under certain specified conditions. Once inspection is withdrawn, a closed plant must reapply to receive Federal inspection.

As specified in the Rules of Practice, USDA may initiate withholding, suspension, or withdrawal actions to limit a plant's slaughtering or processing, or prevent the plant from operating altogether, based on reasons related to the PR/HACCP regulations such as:

- failure to collect and analyze samples for the presence of generic *E. coli* and record test results,
- failure to develop or implement Sanitation Standard Operating Procedures, or
- failure to develop or implement a required HACCP plan.



In addition, USDA may initiate a withholding, suspension, or withdrawal action for other reasons such as:

- failure to meet “sanitation performance standards,”
- insanitary conditions,
- inhumane handling or slaughtering of livestock,
- failure to destroy condemned product, or
- interference with inspection personnel.

**Tables 5, 6, and 7** list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling.

In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 166 plants. Fifty-four of the actions in these plants were initiated during this reporting period. Sixty were closed by letters of warning or other means during this period.

**Tables 5, 6, and 7** also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report.

There was one appeal of a suspension action filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants**  
(7/01/06 to 9/30/06)

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
AGRIPROCESSORS, INC. 04653A M04653A P POSTVILLE, IA	3/15/06	3/22/06			X	X						9/19/06	
BRAWLEY BEEF 21488 M BRAWLEY, CA	7/6/06	7/17/06				X							
CAGLE'S INC. 00548 P COLLINSVILLE, AL	3/15/06	4/20/06			X	X	X				X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
CARGILL MEAT SOLUTIONS 00086K M DODGE CITY, KS						X					X		On 6/15/06, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CARGILL MEAT SOLUTIONS CORPORATION 13289 M00963 P SPRINGDALE, AR	10/21/05	11/30/05			X	X	X					9/12/06	
CASE FARMS OF NC, INC. 00419 P MORGANTON, NC	4/20/06	4/28/06			X	X	X						
CLOUGHERTY PKG. CO 00360 M00360 P VERNON, CA			9/7/06	9/7/06					X				
			9/8/06	9/8/06					X				On 9/8/06, suspension was reinstated.
CONAGRA FOODS 00003A M02278 P KANSAS CITY, KS	5/8/06	5/17/06			X	X						8/10/06	

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

### Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
EXCEL CORP 00086R M FORT MORGAN, CO				2/22/05		X				X			On 8/11/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8. On 12/22/04, plant appealed the withholding action. Appeal was denied on 1/25/05.
GOLD KIST INC. 00040 P ELLIJAY, GA	3/29/06	4/21/06			X	X	X						
GOLD KIST, INC 00192 P GUNTERSVILLE, AL	5/11/06	5/26/06			X	X	X			X		9/13/06	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
KOCH FOODS OF MISSISSIPPI, INC. 00308 P MORTON, MS	4/21/06	5/10/06			X	X	X						
MORONI FEED COMPANY 00751 M01049 P MORONI, UT			9/19/05	9/20/05					X				
MOUNTAIRE OF DELMARVA 00003 P MILLSBORO, DE	7/25/06	8/4/06			X	X	X						
NEBRASKA BEEF, LTD. 19336 M OMAHA, NE	8/3/06	8/14/06			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
PECO FOODS INC. 06616 P SEBASTOPOL, MS	2/23/06	3/3/06			X	X	X					8/10/06	
PERDUE FARMS, INC. 11507 M11507 P MONTEREY, TN	6/16/06	6/29/06				X							
PILGRIM'S PRIDE CORP OF DELAWARE 13485 P FARMERVILLE, LA	9/9/05	9/30/05			X	X	X						

#### ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

### Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
PILGRIM'S PRIDE CORPORATION 00584 P MOUNT PLEASANT, TX	2/28/06	3/15/06			X	X						7/5/06	
PILGRIM'S PRIDE CORPORATION OF DE 07016 P EL DORADO, AR	11/3/05	3/30/06			X	X	X					7/27/06	
PM BEEF HOLDINGS 00683 M WINDOM, MN	5/30/06	6/8/06			X	X							
TYSON FOODS INC. 01362 P NOEL, MO	5/18/06	6/23/06			X	X							
TYSON FRESH MEATS INC. 09268 M PASCO, WA						X				X			On 7/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245D M EMPORIA, KS						X				X			On 12/23/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245L M LEXINGTON, NE						X				X			On 3/10/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
WASHINGTON BEEF LLC 00235 M00235 P TOPPENISH, WA	7/5/06	7/26/06			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

#### ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 6. Administrative Actions: Small HACCP Plants  
(7/01/06 to 9/30/06)**

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
ACADIAN FINE FOODS, L.L.C. 13587 M13587 P CHURCH POINT, LA			11/9/05	11/17/05			X		X			8/31/06	
			12/5/05	3/6/06	X	X						8/31/06	On 12/05/05, suspension was reinstated.
AMERICAN FOOD COMPANY, INC. 06935 M06935 P MACOMB, MI	10/25/05	11/4/05			X	X						9/1/06	
AURORA PACKING COMPANY, INC. 00788 M NORTH AURORA, IL	9/29/06					X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
BELTEX CORPORATION 07041 E FORT WORTH, TX	4/19/06	4/28/06				X						8/17/06	
BENDE & SON SALAMI CO. INC 06964 M VERNON HILLS, IL	7/17/06	8/16/06				X							
BIG B DISTRIBUTORS, INC. 01717 M01717 P EVANSVILLE, IN	4/11/06	5/10/06			X	X	X						
BLUE GRASS PROVISIONS COMPANY INC. 07417 M07417 P CRESCENT SPRINGS, KY	9/8/06		9/15/06	9/25/06	X	X	X						
BOOKER PACKING COMPANY 07162 M BOOKER, TX	4/13/06	4/19/06				X				X		8/2/06	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

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LOW	Letter of Warning

## Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
BOOKER PACKING COMPANY 07162 M BOOKER, TX			6/2/06	6/5/06		X				X		9/19/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
C.W. BROWN & COMPANY 08871 M MOUNT ROYAL, NJ			8/9/05			X							
CAMELIA GENERAL PROVISION, CO., INC 04357 M04357 P BUFFALO, NY			5/23/06	5/31/06	X		X						
CARANDO GOURMET FOODS CORP. 07862 M07862 P SPRINGFIELD, MA	9/15/05		9/30/05	10/11/05	X	X	X			X			On 08/21/06, DM closed case by firm's requested voluntary withdrawal.
CHAIRMAN'S CHOICE FOODS 07916 M07916 P NASHVILLE, TN	8/16/06	8/25/06			X	X							
COLEMAN NATURAL PRODUCTS, INC. 09210L M LIMON, CO			7/8/06	7/11/06				X					
CRAVE ENTERPRISES, INC 27348 M27348 P LOS ANGELES, CA			6/1/06	6/23/06	X		X						
CRESTON VALLEY MEATS 22095 M22095 P CRESTON, CA	8/15/05	8/30/05			X	X						9/5/06	
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	5/16/06	6/7/06			X	X							
DIESTEL TURKEY RANCH 09332 P SONORA, CA	2/16/06	2/24/06			X	X	X						

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
DOUBLE G BRANDS INC 08213 M08213 P PACIFIC, MO	5/25/06	6/12/06			X	X	X					9/29/06	
E.N.A. MEAT PACKING, INC. 17778 M17778 P PATERSON, NJ	12/12/05	12/23/05	3/14/06	3/24/06	X	X							
			6/29/06	7/5/06	X	X							On 6/29/06, suspension was reinstated.
ELKHORN VALLEY PACKING CO. 19549A M WELLINGTON, KS	3/9/06	3/27/06			X	X						7/11/06	
FORREST MEATS, INC. 21188 M FORREST, IL			4/13/06	4/21/06	X		X						
			4/28/06	6/13/06	X		X						On 4/28/06, suspension was reinstated.
FRUITLAND AMERICAN MEAT 02316 M02316 P JACKSON, MO	12/23/05	1/20/06						X					
G & R FOODS, L.L.C. 15783 M15783 P HARPER WOODS, MI	4/4/06	4/12/06				X						7/21/06	
G AND G POULTRY INC 27425 P BIRDSBORO, PA	9/27/06				X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
GEORGE G. RUPPERSBERGER AND SONS INC. 05931 M BALTIMORE, MD	9/1/06	9/8/06				X	X						
GODSHALL'S QUALITY MEATS 09553 M09553 P TELFORD, PA	4/3/06	4/14/06			X	X						7/13/06	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
GULF PACKING COMPANY 00696 M00696 P SAN BENITO, TX			2/25/06	2/26/06		X				X		8/31/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
HAGEMANN MEAT CO. 08292 M08292 P SANTA ROSA, CA	2/15/06	3/16/06	8/4/06	8/8/06	X	X							
HARRY'S FRESH FOODS, INC 17639 M17639 P PORTLAND, OR	5/10/06	5/24/06			X	X						8/31/06	
HAZLE PARK PACKING CO. 08566 M08566 P WEST HAZLETON, PA	1/12/06	2/1/06			X	X	X					8/2/06	
HI COUNTRY BEEF JERKY 01248 M01248 P LINCOLN, MT	3/24/06	4/14/06			X	X	X			X		8/31/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
HOUSE OF RAEFORD FARMS INC. 00239A M00239A P RAEFORD, NC	2/8/06	2/15/06				X						8/31/06	
INLAND MEATS OF SPOKANE 02817 M02817 P SPOKANE, WA	3/3/06	3/16/06			X	X							
JIM'S FARM MEAT 06113 M06113 P ATWATER, CA			7/20/06	7/21/06				X					
JOHN VOLPI AND CO. 00978 M ST. LOUIS, MO	7/20/05	9/2/05			X	X						7/21/06	
LDJ HOLDINGS 06266 M06266 P BOISE, ID	12/1/05	2/6/06			X	X						7/3/06	
LEIDY'S INC 09520 M SOUDERTON, PA	8/9/06	8/21/06			X	X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
LET'S DO LUNCH, INC. 19056 M19056 P GARDENA, CA			6/1/05	6/14/05	X	X							
LOCAL PRIDE L.L.C. 32111 M GORDON, NE	1/9/06	1/19/06			X	X							
LOWER FOODS INC. 00828 M00966 P RICHMOND, UT	12/16/05	1/31/06			X	X	X						
MEADOW FARMS SAUSAGE COMPANY 06028 M06028 P LOS ANGELES, CA	9/1/06	9/13/06			X	X							
MINNESOTA BEEF INDUSTRIES, INC. 17466 M BUFFALO LAKE, MN	9/21/05	9/29/05				X							
NDK FOODS, INC 17427 M17427 P BELL GARDENS, CA			9/7/06	9/29/06	X		X						
NORTH AMERICAN BISON COOPERATIVE 18859 M18859 P NEW ROCKFORD, ND	4/12/06	6/14/06			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
NORTHERN PACKING COMPANY INC. 00571 M BRIAR HILL, NY	12/9/05	12/23/05			X	X	X			X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
OBERTO'S SAUSAGE COMPANY dba SMOKECRAFT LOWERY 01363 M00524 P ALBANY, OR	3/2/06	3/23/06			X	X						7/13/06	
OHIO PACKING CO. 00575 M00575 P COLUMBUS, OH	2/9/06	3/16/06			X	X	X					7/25/06	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
OLD SETTLER'S JERKY INC. 09875 M09875 P COVINA, CA			4/25/06	4/29/06	X		X						
			7/25/06	7/28/06	X		X						On 7/25/06, suspension was reinstated.
ORVAL KENT FOOD COMPANY, INC. dba CHEF SOLUTIONS 02499 M02499 P WHEELING, IL	9/15/06				X	X	X						
PEPCOL MANUFACTURING CO. 07181 M DENVER, CO	1/11/06	1/27/06			X	X					7/27/06		
PITMAN FARMS, INC 27389 M27389 P SANGER, CA	5/3/06	5/10/06			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
POCINO FOOD CO. 06261 M06261 P CITY OF INDUSTRY, CA	12/23/05	2/1/06			X	X							
POLK'S MEAT PRODUCTS INC 12630 M12630 P MAGEE, MS	5/10/06	5/18/06			X	X					9/1/06		
RAMAR INTERNATIONAL 17480 M17480 P PITTSBURG, CA	9/29/06				X	X	X						
REAL MEX FOODS 04140 M04140 P SANTA FE SPRINGS, CA	3/30/06	4/19/06			X	X	X						
RESER'S FINE FOODS 01331 M04998 P SALT LAKE CITY, UT							X						On 9/29/06, a withholding action was taken.
RICH-SEA PACK CORP. 02706 M02706 P BUFFALO, NY			6/6/06	6/8/06	X		X						

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## Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
ROODE PACKING COMPANY, INC. 00729 M13511 P FAIRBURY, NE	3/6/06	3/14/06				X						8/18/06	
ROYAL SAUSAGE CO 08069 M08069 P PELL CITY, AL	8/9/06	9/6/06			X	X	X						
SANDRIDGE FOOD CORPORATION 02447 M02447 P MEDINA, OH	7/31/06	8/25/06			X	X							
SEAPORT MEAT COMPANY 06153 M06153 P SPRING VALLEY, CA			6/1/05	6/3/05			X						
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			1/18/05	1/24/05			X						
SOUTHEASTERN MEATS 07953 M07953 P CHATTANOOGA, TN	9/14/06	9/25/06			X	X	X						
SOUTHERN HENS, INC. 17766 P MOSELLE, MS	3/16/06	3/30/06			X	X						8/10/06	
SOUTHERN PRIDE MEAT COMPANY, INC 19741 M GOLDSBORO, NC	9/22/06				X	X	X						Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
SPECIALTY BRANDS, INC. 01905 M09205 P RIVERSIDE, CA			9/28/06				X						
STRING'S RESTAURANT GROUP 17515 M17515 P RANCHO CORDOVA, CA			1/11/06	1/23/06	X		X					8/7/06	
TECUMSEH POULTRY 20251 P TECUMSEH, NE	5/11/06	5/17/06			X	X							

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## Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
THE PORK COMPANY 20608 M WARSAW, NC			6/9/06	6/9/06				X				8/16/06	
			6/23/06	7/11/06	X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
			7/25/06	7/31/06	X	X							On 7/25/06, suspension was reinstated.
			9/5/06	9/6/06				X					
TRADITIONS 18350 M18350 P PEARL, MS	3/22/06	3/31/06			X	X						7/12/06	
TY RY INCORPORATED 08132 M08132 P ROCKLIN, CA	6/22/06	7/19/06			X	X							
VALLEY FINE FOODS COMPANY, INC. 22102A M22102A P BENICIA, CA			11/21/05	11/28/05	X		X						
WAPSIE PRODUCE INC. 01538 P DECORAH, IA	1/31/06	2/3/06			X	X				X		9/21/06	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
WEST MISSOURI BEEF 05821 M ROCKVILLE, MO	3/2/06	3/16/06	4/13/06	4/17/06	X	X				X		8/15/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.

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**Table 7. Administrative Actions: Very Small HACCP Plants  
(7/01/06 to 9/30/06)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
A-1 ENTERPRISES, INC. 09115 M KILLEN, AL	7/20/06	7/26/06				X	X						
ASIA FOODS INC. 31964 M31964 P MONTEREY PARK, CA			7/7/06	7/13/06	X		X						
			8/17/06		X		X						On 8/17/06, suspension was reinstated.
BACH CUC BEEF JERKY 18995 M18995 P SOUTH EL MONTE, CA	7/5/06	7/18/06			X	X							
C AND F MEATS 08330 M08330 P COLLEGE GROVE, TN	3/2/06	3/9/06			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
CAMP STEAK CO INC 01724 M01724 P CULVER CITY, CA			3/31/05	4/27/05	X							9/25/06	
CASEIRO GOURMET, INC. 21897 M21897 P DURHAM, NC	1/5/06				X	X	X						On 7/5/06, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
CECINA LOS AMIGOS 21653 M21653 P CARSON, CA			6/14/06	7/18/06	X	X							
CHINA MEAT PRODUCTS INC 09306 M MONTCLAIR, CA			8/30/06	9/5/06		X							
CLASSIC FOODS, L.P. 13516 M13516 P FORT WORTH, TX	3/24/06	3/30/06			X	X						8/15/06	

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### Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
COAST PACKING CO. 00724A M00724A P COLTON, CA			9/15/06	9/21/06			X						
COLONIAL MEATS INC 06427 M06427 P OLYMPIA, WA	9/27/06				X	X	X						
CONTE'S PASTA CO. INC 18969 M18969 P VINELAND, NJ	7/19/06	8/4/06			X	X	X						
DOUG'S QUALITY MEATS 27319 M27319 P KENT, WA						X							On 9/29/06, a withholding action was taken.
E.G. FOODS 17375 M17375 P BROOKLYN, NY			7/26/06	8/22/06		X							
EL BAJIO GOURMET FOODS 32162 M32162 P POMONA, CA	3/9/06				X	X					9/1/06		
EL REY MEAT CO., INC. 02958 M02958 P ST LOUIS, MO	4/3/06	4/28/06			X	X	X				8/15/06		
ESH POULTRY 09970 P GORDENVILLE, PA	8/22/06	9/1/06			X	X							
FARABEE'S FARM FRESH MEATS INC 19883 M19883 P MARICOPA, AZ			8/18/06	8/20/06				X					
FOUR STAR MEAT PRODUCTS CO., INC. 08099 M08099 P FOREST PARK, GA			8/18/06	8/25/06		X							
	8/25/06	9/7/06			X	X	X						

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
FRABONI SAUSAGE 08997 M08997 P HIBBING, MN	8/2/06	8/8/06			X	X							
FRAN'S FRYERS 20784 P MILFORD, TX	4/12/06	4/21/06			X	X				X		8/16/06	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
GIBSON PACKING COMPANY 05843 M05843 P SEYMOUR, MO	9/21/06				X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli). The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
GREENFIELD CUSTOM MEATS 11033 M11033 P MERIDIAN, ID	3/31/06	4/11/06			X	X	X					7/17/06	
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	5/10/05		5/23/05	8/17/05		X							
			10/5/05	5/24/06		X							On 10/5/05, suspension was reinstated. On 2/16/06, an appeal was received. The appeal was denied on 3/31/06.
GUS MEAT COMPANY 05799 M05799 P ST. LOUIS, MO	2/9/06	3/22/06			X	X	X						
HAWAIIAN DAVE'S TROPICAL TREATS, LLC 31958 M31958 P DURHAM, NC	8/11/06	8/21/06			X	X							
HOBSON FOOD SERVICE, INC. dba S.R. SMITH INC. 02629 M02629 P NASHVILLE, TN	3/23/06	3/31/06			X	X						7/13/06	
HONG HA CO 04261 M HYATTSVILLE, MD	5/2/06	5/9/06			X	X						9/13/06	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
HORMANN MEAT COMPANY 05544 M05544 P FAIR GROVE, MO	6/15/06	6/22/06			X	X				X		9/26/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
HUDSON'S MEAT MARKET, INC. 13453 M13453 P AUSTIN, TX			4/19/06	4/20/06					X			8/29/06	
INDIAN VALLEY MEATS, INC. 18154 M18154 P INDIAN, AK	9/14/06				X	X	X						
J.M. PACKING, CO. 19804 M19804 P PONCE, PR			11/21/05	2/28/06	X	X							
JOE PAGLIUSO & BROS. INC 04253 M ONTARIO, NY			5/10/06	5/12/06					X			8/30/06	
JOHNSTON COUNTY HAMS 02646 M02646 P SMITHFIELD, NC	1/10/06		1/19/06	1/20/06	X	X	X					7/5/06	
			4/4/06	4/11/06		X						7/5/06	On 4/4/06, suspension was reinstated.
KOLOB PACKING L.L.C. 19610 M19610 P BURLEY, ID			12/16/05					X					
KUBISCH SAUSAGE CO. 10116 M10116 P SHELBY TWP, MI	3/1/06	3/27/06			X	X							
LEBANESE BUTCHER SLAUGHTER 31959 M31959 P WARRENTON, VA			7/19/06						X			7/20/06	
LEON NIXON CATERING 21565 M21565 P EDENTON, NC	8/16/06	9/8/06				X	X						

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
LOS GALLEGUITOS CORP 05447 M20142 P UNION CITY, NJ			8/16/06	9/15/06		X							
MAYAR'S HALAL MEAT PROCESSING 21595 M21595 P LIVINGSTON, CA			7/21/06	7/26/06					X				
MERIDIAN MEAT PACKERS 01587 M04925 P MERIDIAN, ID	1/27/06	2/15/06			X	X						7/31/06	
MOY'S MEAT MARKET, INC. 02796 M02796 P BROOKLYN, NY			6/19/06	6/28/06	X		X						
NATCHITOCHE LA MEAT PIE CO. INC. 02389 M02389 P COUSHATTA, LA	3/2/06	3/15/06			X	X	X					7/6/06	
NEW MEXICO FOOD DISTRIB. 13272 M13272 P ALBUQUERQUE, NM			11/4/05	11/10/05	X	X							On 11/4/05, suspension was reinstated.
P.E. & F. INC. 13051 M13051 P ST LOUIS, MO	3/29/06	4/20/06	5/30/06	6/23/06	X	X							
PACFOODS, USA 09889 M09889 P HAYWARD, CA			8/26/02	10/17/02	X	X							
			10/23/02		X	X							On 10/23/02, suspension was reinstated.
PHILIPPINE AMERICAN FOODS, INC. 05441 M05441 P VIRGINIA BEACH, VA	9/26/05	10/6/05	3/29/06			X							On 6/5/06, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
PIERINO FROZEN FOODS, INC 01854 M19980 P LINCOLN PARK, MI	8/1/06	8/16/06			X	X							

#### ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

### Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
RAINBOW ORGANIC FARMS CO. 21334 M21334 P UNIONTOWN, KS	4/12/06	5/3/06			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
RED SQUARE FOODS, INC 18874 M18874 P SOMERSET, NJ	8/8/06	8/22/06			X		X						
ROCK CREEK SLAUGHTER CO. 09150 M09150 P LOOKOUT MOUNTAIN, GA	3/16/06	4/14/06	6/30/06	7/5/06	X	X	X			X		8/11/06	On 3/16/06, an enforcement action concerning failure to meet regulatory requirements for Escherichia coli Biotype 1 (E.coli) was issued. The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
S-BAR PACKING 00497 M EUGENE, OR			6/27/06	6/29/06				X					
SEISHIN FARM SAIPAN INC. 00754 M SAIPAN, MP			9/29/05	10/20/05	X	X							
SIERRA NEVADA RANCH INC. 18060 M18060 P YERINGTON, NV			9/20/05	10/5/05	X	X			X				On 2/1/06, firm was granted a 120 day voluntary suspension.
			2/9/06						X				On 2/9/06, suspension was reinstated.
SISTER SCHUBERT'S HOMEMADE ROLLS, INC. 20793 M LIVERNE, AL	5/26/05	6/6/05			X	X							
SMOKEHOUSE PRODUCTS 21760 M21760 P AUSTELL, GA	5/9/06	6/1/06			X	X						8/7/06	
SNOW HILL PROCESSING 09075 M09075 P CHESTERFIELD, SC	12/30/05	1/17/06			X	X						8/31/06	

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### Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SNOW HILL PROCESSING 09075 M09075 P CHESTERFIELD, SC		1/17/06	8/21/06	8/22/06				X					
SPECIAL AMERICA'S BBQ 11179 M OPA-LOCKA, FL			12/13/05			X							
TERRAPIN STATION 22012 M SALT LAKE CITY, UT			10/22/04	2/17/05					X				On 9/12/05, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
THEURER'S QUALITY MEATS, INC. 31647 M31647 P LEWISTON, UT			7/25/05	7/29/05		X				X		7/25/06	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
TODAHORA FROZEN FOODS, INC. 21806 M21806 P SUNNYSIDE, NY			4/24/06						X				
TROY PORK STORE 04359 M TROY, NY	6/30/05		7/14/05	6/12/06	X	X							
UNCLE LOUIE SAUSAGE CO. 12449 M12449 P KAHULUI, HI	12/15/05	1/18/06			X	X	X						
UNION SLAUGHTER HOUSE, INC. 13189 M DEL RIO, TX	3/1/06	3/9/06				X						9/19/06	
WILD SIDE PROCESSING, LLC 20495 M20495 P SAGINAW, MN	7/13/06	7/21/06			X	X							
YEE TUNG INC. 19014 P PHILADELPHIA, PA			8/23/06	8/30/06	X								

#### ABBREVIATION KEY

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### Formal Adjudicatory Actions for Food Safety

Under the statutes it administers, FSIS can, in appropriate cases, move to withdraw grants of federal inspection from plants and plant owners based on the failure of a recipient of inspection service to meet critical sanitation and food safety regulatory requirements [e.g., Sanitation Standard Operating Procedures (SSOP) or Hazard Analysis and Critical Control Point (HACCP) system regulations] necessary to protect the public health. In some situations, FSIS also can seek to deny inspection service to an applicant for failure to meet certain food safety regulatory requirements. These actions are taken in accordance with the FSIS Rules of Practice (9 CFR Part 500) and Department regulations governing formal adjudicatory proceedings (7 CFR Part 1, Subpart H). Plants and plant owners are provided with the opportunity for a hearing before a federal administrative law judge. **Table 8** identifies refusal and withdrawal actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There was one action initiated during this reporting period.

**Table 8. Food Safety Adjudicatory Actions  
(7/01/06 to 9/30/06)**

**Formal Adjudicatory Actions Pending or Taken for Food Safety**

**[includes actions initiated in prior quarters]**

<b>Establishment</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Hearing</b>	<b>Consent Order</b>	<b>Decision and Order</b>	<b>Actions</b>
CRESCENT CUSTOM SLAUGHTERING SUMNER, WA			08/23/06		On August 23, 2006, the firm entered into a Stipulation and Amended Consent Decision and Order (Amended Order) with FSIS. The Amended Order extends the firm's previous Consent Order dated September 15, 2004, and Agency jurisdiction for an additional eighteen (18) months and requires, among other things, compliance with SSOP, HACCP systems, prerequisite programs, and recordkeeping requirements.
CRESCENT SLAUGHTERHOUSE CORP. dba AL BADR SLAUGHTERHOUSE 21527 M DETROIT, MI	07/06/06			07/07/06	FSIS filed a complaint to withdraw inspection service based on the firm's failure to effectively implement humane methods of slaughtering and handling of livestock, intimidation and/or interference of assigned FSIS employees, and for failure to maintain effective Sanitation Standard Operating Procedures (SSOP) and Hazard Analysis and Critical Control Point plans. The firm entered into a Consent Decision with FSIS. The Order contains numerous provisions to ensure compliance with FSIS statutory and regulatory requirements.
FRANK CRAIG JEAN CRAIG d/b/a FRANK'S WHOLESALE MEATS 07741 M SAN BERNARDINO, CA	04/12/05				On April 12, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on an incident of interference and intimidation upon a FSIS official. The hearing date is pending.
TRINH COMPANY 06488 M 06488 P SAN JOSE, CA	05/23/05		09/05/06		On September 5, 2006, the firm entered into a Consent Decision (Order) with FSIS. The Order requires strict measures, including revised food safety plans, to ensure compliance with FSIS statutory and regulatory requirements. Previously, FSIS filed a complaint to withdraw inspection service on May 23, 2005, based on the firm's failure to maintain HACCP and SSOP systems.

### Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for or a recipient of inspection because of a felony conviction or more than one violation involving food. Actions pending or taken (other than outstanding consent decisions) are reported. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were two unfitness actions initiated this reporting period.

**Table 9. Withdrawal for Unfitness  
(7/01/06 to 9/30/06)**

#### **Administrative Actions Pending or Taken for Unfitness [includes actions initiated in prior quarters]**

<b>Establishment</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Consent Order</b>	<b>Decision and Order</b>	<b>Action Summary</b>
ADVANCED FROZEN FOODS 32022 M 32022 P WESTBURY, NY	07/31/06	08/01/06		On July 31, 2006, FSIS filed a complaint to withdraw inspection service based on felony convictions of the president and managing official. On August 1, 2006, the firm and its owner entered into a Consent Decision and Order with FSIS. The Order contains numerous provisions to ensure compliance with FSIS statutory and regulatory requirements.
BRANDY MEATS, INC. 04245 M 04245 P CINCINNATI, OH	09/22/06			On September 22, 2006, FSIS filed a complaint to withdraw inspection service based on a felony conviction of the managing official.

### Removing Exempt Privilege

The meat and poultry laws exempt certain custom, retail, or other operations from inspection. For example, custom exempt businesses slaughter animals or poultry, or process meat and poultry for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom or other exempt privileges through issuance of a Notice of Ineligibility (complaint), and require the business to cease operations until sanitary conditions are restored. FSIS can also take action when custom or other exempt facilities fail to properly label product as "Not for Sale." These exempt businesses have the opportunity to correct violations prior to such actions, contest the basis for such actions at hearings, and to enter settlement agreements (consent orders) to resolve actions. **Table 10** lists exempt actions pending or taken (other than outstanding consent orders) on this basis for this reporting period. There were no new actions initiated this reporting period.

**Table 10. Exempt Actions**  
(7/01/06 to 9/30/06)

**Administrative Actions Taken at Exempt Facilities**

Name	Complaint Served	Consent Order	Decision and Order	Action Summary
CRAWFORD PACKING CRAWFORD, NE	04/14/05			On July 25, 2006, FSIS closed the case based upon death of the firm's owner.
PARR MEATS BINGHAMTON, NY	01/05/06		07/31/06	On July 31, 2006, FSIS issued a "Final Decision and Order of Ineligibility for Custom Exempt Status" to the firm. The Order was delivered by FSIS to the firm on August 8, 2006, and permanently precludes the firm from conducting custom exempt slaughtering and processing activities.
CARROLL L. SCHISLER, SR. AND CARROLL L. SCHISLER, JR. NEW WINDSOR, MD	04/21/06			On April 20, 2006, a Notice of Ineligibility to conduct custom exempt operations was issued to the firm. A pending administrative hearing is unscheduled at this time.

[FSIS Adjudications](#)

**CRIMINAL ACTIONS**

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution. Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 11** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued, pleas, convictions, or acquittals, and sentences rendered during this reporting period.

**Table 11. Criminal Actions  
(7/01/06 to 9/30/06)**

**Criminal Actions**

Name	Indictment	Information	Plea	Sentencing	Action Summary
ANSTINE ENTERPRISES, INC. dba KINGSVILLE HOG MARKET AND RICK D. ANSTINE, AND QUEEN'S MARKET, LLC AND KIM HUE HUYNH AND NHAN PHU PHAM KANSAS CITY, MO	08/24/06				On August 24, 2006, in the U.S. District Court for the Western District of Missouri, Mr. Rick D. Anstine and Anstine Enterprises, Inc. dba Kingsville Hog Market, and Kim Hue Huynh and Nhan Phu "John" Pham and Queen's market LLC, were indicted on twenty-two (22) counts of conspiring to commit mail fraud, violate the FMIA, distribute adulterated food, and offer for sale uninspected and inedible food.
ROBERT T. HARRIS, JR., CEO BLUE RIDGE POULTRY OF ATHENS ATHENS, GA	01/25/06		06/28/06		June 28, 2006, in the United States District Court for the Middle District of Georgia, Mr. Robert T. Harris, Jr., CEO of Blue Ridge Poultry of Athens, Inc. pled guilty to three (3) misdemeanor counts for violations of the Poultry Products Inspection Act. Sentencing is pending. On January 25, 2006, Mr. Harris, Jr., was indicted by a Grand Jury for violations of the Poultry Products Inspection Act.
NICHOLAS DE YULIO, PRESIDENT DE YULIO SAUSAGE COMPANY STAMFORD, CT			06/01/06	09/13/06	On September 13, 2006, in the United States District Court for the District of Connecticut, Mr. Nicholas De Yulio, President, was sentenced on one misdemeanor for selling and transporting meat products without the benefit of Federal inspection. Mr. De Yulio was placed on three (3) years probation and fined \$5000.
JIM D. ANSON, VICE PRESIDENT FOOD WHOLESALERS, INC. PETERSBURG, FL			04/07/06		On April 7, 2006, Mr. Jim D. Anson, Vice President, signed a plea agreement on behalf of himself and the corporation. Mr. Anson agreed to plea guilty to two misdemeanors charging him with causing meat and poultry products which were held for sale and were capable of use as human food to become rodent adulterated in violation of the Federal Meat Inspection Act and the Poultry Products Inspection Act. Mr. Anson and Food Wholesalers, Inc. will be sentenced on August 28, 2006.



## PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements. Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that it can assist the United States Attorneys in determining whether prosecution should be re-instituted. If the diverttee successfully completes the program, no criminal charges are filed. If, on the other hand, the diverttee does not successfully complete the program, criminal charges may be reinstated. There were no pre-trial diversion agreements this quarter.

## **CIVIL ACTIONS**

FSIS also has authority to seek a variety of civil actions and case dispositions in Federal Court.

### Seizures

When FSIS has reason to believe distributed products are adulterated, misbranded, or otherwise in violation of law, the Agency will, through the USDA Office of the General Counsel and United States Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated, misbranded, or otherwise in violation of FSIS laws, it will condemn the product. Condemned product cannot be further processed to be used for human food. Table 12 lists seizure actions and seizure cases. There were no seizure actions initiated during this reporting period.

## Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin ongoing or repetitive violations of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop, for example, uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. **Table 13** lists civil actions and civil cases. There were two injunctions initiated during this reporting period.

**Table 13. Injunction Actions  
(7/01/06 to 9/30/06)**

Name	Complaint	Injunction	Action Summary
BLUE STAR NEW YORK INC. (CHEON) BOK YON AND (HONG) SUNG HO BRONX, NY	05/22/06	09/11/06	On September 11, 2006, in the U.S. District Court for the Southern District of New York, the firm, Mr. Yon and Mr. Ho were permanently enjoined from selling, transporting, offering for sale or transporting, or receiving in commerce, any uninspected or misbranded meat and poultry food products. The defendants are required to prepare and maintain records for each product containing meat or poultry that is sold, transported, offered for sale or transport, or received in commerce. In addition, the defendants agree that if they sell, transport, offer for sale or transport, or receive in commerce any product in violation of the Decree they shall pay a penalty of \$1,000 per violation
CARROLL L. SCHISLER, SR. AND CARROLL L. SCHISLER, JR. NEW WINDSOR, MD	05/26/06	07/25/06	On July 25, 2006, in the U.S. District Court for the District of Maryland, Mr. Schisler, Sr. and Mr. Schisler, Jr., were enjoined from engaging or assisting in the slaughter or preparation of livestock or poultry on their property. On May 26, 2006, in the United States District Court for the District of Maryland, a complaint was filed to enjoin Mr. Carroll L. Schisler, Sr. and Mr. Carroll L. Schisler, Jr.

## False Claims Act and Other Actions

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. **Table 14** lists ACE actions and other cases involving civil enforcement or settlement.

**Table 14. Other Civil Actions**

Name	Location	Complaint	Order	Action Summary
HOLTEN MEAT 02591 M 02591 P	SAUGET, IL		09/29/06	On September 29, 2006, in the United States District Court, Southern District of Illinois, the firm agreed to a settlement of \$100,000.00 in civil penalties and restitution for violating the Federal Meat Inspection Act. The firm was cited for allegedly adding water to ground beef, causing meat food products to become adulterated and allegedly using beef product grown outside the boundaries of the United States.
JORDAN'S MEATS	AUGUSTA, ME		08/16/06	On August 16, 2006, in the United States District Court for the District of Maine, the firm, a former federally inspected facility, agreed to a settlement of \$108,890.42 for selling adulterated and misbranded meat products.

**FOR MORE INFORMATION:**

Media Inquiries: (202) 720-9113  
Freedom of Information Act Requests: (202) 720-2109  
Congressional Inquiries: (202) 720-3897  
Constituent Inquiries: (202) 720-9113

Consumer Inquiries: Call USDA's Meat and Poultry Hotline at  
1-888-674-6854 or 1-800-256-7072 for the hearing impaired,  
10 a.m. to 4 p.m., Eastern Time.

FSIS Web site: <http://www.fsis.usda.gov>